

***IN THE DISTRICT COURT OF THE UNITED STATES***

***for the Western District of New York***

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**JULY 2020 GRAND JURY**  
**(Impaneled July 31, 2020)**

**THE UNITED STATES OF AMERICA      INDICTMENT**

**-vs-**

**JOHN STUART**

**Violations:**

Title 18, United States Code,  
Sections 2252A(a)(2)(A),  
2252A(a)(5)(B), and 922(g)(3);  
Title 21, United States Code,  
Sections 841(a)(1) and 856(a)  
(8 Counts and 2 Forfeiture Allegations)

**COUNT 1**

**(Receipt of Child Pornography)**

**The Grand Jury Charges That:**

Beginning in or about October 2018, and continuing until on or about October 19, 2020, in the Western District of New York, and elsewhere, the defendant, **JOHN STUART**, did knowingly receive, and attempt to receive, child pornography, as defined in Title 18, United States Code, Section 2256(8), that had been shipped and transported using any means and facility of interstate and foreign commerce, and that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

**All in violation of Title 18, United States Code, Sections 2252A(a)(2)(A) and 2252A(b)(1).**

**COUNT 2**

**(Possession of Child Pornography)**

**The Grand Jury Further Charges That:**

On or about October 19, 2020, in the Western District of New York, the defendant, **JOHN STUART**, did knowingly possess material, that is, one (1) Dell laptop computer, bearing serial number 5L66Y52, that contained images of child pornography, as defined in Title 18, United States Code, Section 2256(8), which involved a prepubescent minor and a minor who had not attained 12 years of age, that had been shipped and transported using any means and facility of interstate and foreign commerce; that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer; and that had been produced using materials that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

**All in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2).**

**COUNT 3**

**(Possession of Child Pornography)**

**The Grand Jury Further Charges That:**

On or about October 19, 2020, in the Western District of New York, the defendant, **JOHN STUART**, did knowingly possess material, that is, one (1) Western Digital external hard drive, bearing serial number WCAS80401396, that contained images of child pornography, as defined in Title 18, United States Code, Section 2256(8), that had been shipped and transported using any means and facility of interstate and foreign commerce; that

had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer; and that had been produced using materials that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

**All in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2).**

**COUNT 4**

**(Possession of Child Pornography)**

**The Grand Jury Further Charges That:**

On or about October 19, 2020, in the Western District of New York, the defendant, **JOHN STUART**, did knowingly possess material, that is, one (1) MacBook Pro laptop computer, bearing serial number WB929KQ644, that contained images of child pornography, as defined in Title 18, United States Code, Section 2256(8), that had been shipped and transported using any means and facility of interstate and foreign commerce; that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer; and that had been produced using materials that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

**All in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2).**

**COUNT 5**

**(Possession of Child Pornography)**

**The Grand Jury Further Charges That:**

On or about October 19, 2020, in the Western District of New York, the defendant, **JOHN STUART**, did knowingly possess material, that is, one (1) 8 GB PNY micro SD card installed in a Samsung Galaxy cellular phone, that contained images of child pornography, as defined in Title 18, United States Code, Section 2256(8), that had been shipped and transported using any means and facility of interstate and foreign commerce; that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer; and that had been produced using materials that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

**All in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2).**

**COUNT 6**

**(Possession of a Firearm and Ammunition by a Controlled Substance User)**

**The Grand Jury Further Charges That:**

On or about October 19, 2020, in the Western District of New York, the defendant, **JOHN STUART**, knowing that he was then an unlawful user of, and addicted to, a controlled substance, as defined in Title 21, United States Code, Section 802, that is, marijuana, a Schedule I controlled substance, unlawfully did knowingly possess, in and affecting

commerce, a firearm, that is, a Glock model 43X, 9 millimeter pistol, bearing serial number BMGY234, and ammunition, that is, 20 rounds of 9mm ammunition marked "SPEER".

**All in violation of Title 18, United States Code, Sections 922(g)(3) and 924(a)(2).**

**COUNT 7**

**(Manufacture of Marijuana)**

**The Grand Jury Further Charges That:**

On or about October 19, 2020, in the Western District of New York, the defendant, **JOHN STUART**, did knowingly, intentionally, and unlawfully manufacture marijuana, a Schedule I controlled substance.

**All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(D).**

**COUNT 8**

**(Maintaining Drug-Involved Premises)**

**The Grand Jury Further Charges That:**

On or about October 19, 2020, in the Western District of New York, the defendant, **JOHN STUART**, did knowingly, intentionally, and unlawfully use and maintain a place, that is, 1010 Cleveland Drive, Cheektowaga, New York, for the purpose of manufacturing, distributing, and using marijuana, a Schedule I controlled substance.

**All in violation of Title 21, United States Code, Section 856(a)(1)**

**FIRST FORFEITURE ALLEGATION**

**The Grand Jury Alleges That:**

Upon conviction of any of the offenses alleged in Counts 1 through 5 of this Indictment, the defendant, **JOHN STUART**, shall forfeit to the United States any matter which contains any such visual depiction of child pornography, which was produced, transported, mailed, shipped, and received, and any and all property, real and personal, used and intended to be used to commit and to promote the commission of such offense, and all property traceable to such property, including but not limited to the following:

- a. one (1) Dell laptop computer, bearing serial number 5L66Y52;
- b. one (1) Western Digital external hard drive, bearing serial number WCAS80401396;
- c. one (1) MacBook Pro laptop computer, bearing serial number WB929KQ644; and
- d. one (1) 8 GB PNY micro SD card installed in a Samsung Galaxy cellular phone.

**All pursuant to Title 18, United States Code, Sections 2253(a)(1) and 2253(a)(3).**

**SECOND FORFEITURE ALLEGATION**

**(Firearms and Ammunition)**

**The Grand Jury Further Alleges That:**

Upon conviction of any count of this Indictment, the defendant, **JOHN STUART**, shall forfeit his right, title, and interest to the United States of any firearm and ammunition involved or used in the commission of the offense, or found in the possession or under his immediate control at the time of arrest, including, but not limited to:

- a. a Glock model 43X, 9 millimeter pistol, bearing serial number BMGY234, and

b. 20 rounds of 9mm ammunition marked "SPEER".

**All pursuant to Title 18, United States Code, Sections 924(d) and 3665, and 28  
United States Code, Section 2461(c).**

DATED: Buffalo, New York, January 20, 2021.

JAMES P. KENNEDY, JR.  
United States Attorney

BY: S/LAURA A. HIGGINS  
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A TRUE BILL:

S/FOREPERSON